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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,222	01/19/2001	Bryan J. Pulliam	BJP-01	9223

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RICK MARTIN  
PATENT LAW OFFICES OF RICK MARTIN, PC  
416 COFFMAN STREET  
LONGMONT, CO 80501

[REDACTED] EXAMINER

COTTINGHAM, JOHN R

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3679

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/766,222	PULLIAM, BRYAN J.
	<b>Examiner</b>	<b>Art Unit</b>
	John R. Cottingham	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 June 2003.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 46-166 is/are pending in the application.

4a) Of the above claim(s) 46-101,118-148 and 150-166 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 102-117 and 149 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 19 January 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of group II in Paper No. 10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The applicant did not elect with or without traverse nor did the applicant point out why the election/restriction was improper, the applicant only pointed out differences between the invention and the prior art.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pair of winch assemblies must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 102-117 and 149 are rejected under 35 U.S.C. 102(b) as being anticipated by Franzen U.S. Patent 1,435,059. Franzen shows all of the claimed subject matter of a winch corner fixture in Figures 1-3.

Regarding claim 102, a winch corner fixture useful in a portable fencing system, comprising: a main support frame 31 having at least three mounting portions 30 angularly displaced from one another about a central vertical axis of the main support frame; means (hook in Figure 3) functioning to secure portions of a fence wire 34 to the main support frame; a plurality of at least three spaced apart leg members each pivotally mounted to one of the three mounting portion so of the main support frame such that the leg members can be set up in a tripod configuration about the central vertical axis of the support frame with the leg members angularly displaced from one another about the central vertical axis at the same angular displacements of the three mounting portions 30 of the support frame from one another; and a winch assembly 13 supported on the main support frame above the three mounting portions 30 thereof.

Regarding claim 103, the fixture is removably anchorable on a ground segment for providing an end of a barricade 35.

Regarding claim 104, a plurality of at least three ground anchor stakes 33 each attached to an end of one of the leg members and adapted to be inserted into a gourn segment by stepping thereon.

Regarding claim 105, each of the ground anchor stakes has a stake portion extending inwardly toward the central vertical axis in a transverse relation from the one of the leg member such that the stake portion is insertable into the ground segment by

stepping on the ground anchor stake 33 on an opposite side thereof from the stake portion.

Regarding claim 106, the stake portion 33 extends at about a 90 degree angle to the leg member 31.

Regarding claim 107, the fence wire 34 portion securing means (hook) is a plurality of brackets attached to the main support frame 31 adjacent of the three mounting portions thereof and adapted for securing a portion of the fence wire to a selected one of the brackets.

Regarding claim 108, the winch assembly 13 further comprises a length of fence wire (see Fig. 2) storable thereon and extendable therefrom.

Regarding claim 109, the winch assembly further comprises a first and second strand of fence wire 34 and the wire attached to the winch extended therefrom, wherein a portion of the first strand is secured to a selected one of the securing means and a portion of the second strand is secured to a selected one of the securing means.

Regarding claim 110, a pair of winch assemblies 16 and 18 mounted upon the main support frame above the mounting portion thereof.

Regarding claim 111, a portion of the length of the fence wire is secured to a winch corner fixture anchor braket.

Regarding claim 112, a mounting point device (block of 33) adapted to support one of the ground anchor stakes and thereby assist setup of the winch corner fixture on a ground segment of a character lacking in the strength normally required to accommodate the setting up of the fixture.

Regarding claim 113, the mounting point device means further comprises a support base member and penetration means extending downwardly from the support base member, the penetration means (tips) functioning to enhance the anchorage of the fixture when the one of the anchor stakes is inserted into a hole in the support base member and placed into a ground segment.

Regarding claim 114, the mounting point device means further comprises a handle 29 to facilitate extraction of the mounting point device means from the ground segment.

Regarding claim 115, surface mounting device means (block on 33) functioning to support and thereby assist setup of the fixture on a ground segment of a character where penetration is not possible or permitted.

Regarding claim 116, the surface mounting device means 33 further comprises a lower member and an upper member pivotally mounted to one end of the lower member, the lower member having an end means functioning to receive one of the anchor stakes.

Regarding claim 117, the upper member has an end means functioning to receive one of the anchor stakes.

Regarding claim 149, a winch corner fixture useful in a portable fencing system, comprising: a main support frame means 31 having at least three mounting portions angularly displaced from one another about a central vertical axis of the main support frame means, the main support frame means functioning to provide a mounting surface for a winch assembly means 13 and a plurality of at least three spaced apart leg

member means 32; fence wire 34 securing means functions to secure portion of a fence wire means 34 to the main support frame means 31; a plurality of at least three spaced apart leg member means each pivotally mounted to one of the three mounting portions of the main support frame means 31, the leg member means functioning to provide a tripod configuration of the leg members means 32 about a central vertical axis of the support frame means with the leg member means angularly displacements of the three mounting portion of the support frame means from one another; and a winch assembly means supported on the main support frame means above the three mounting portions thereof, the winch assembly means functioning to play out or take up a fence wire means.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Cottingham whose telephone number is (703) 306-3439. The examiner can normally be reached on Monday - Thursday, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-216.



John R. Cottingham  
Examiner  
Art Unit 3679

jrc  
July 30, 2003